

REMARKS/ARGUMENTS

Claims 1-13 are presently pending in the application as amended through the Amendment A filed February 21, 2003. In this amendment, no claims have been amended. Because the claims have not been amended, they are not reproduced above. As set forth below, the Claims are believed to be in condition for allowance. In view of the remarks below reconsideration of the Application and issuance of a Notice of Allowability are respectfully requested.

The Examiner rejected Claims 1 and 6-13 under 35 U.S.C. §102 as being anticipated by Mantooth, Pat. No. 6,503,174. Additionally, the Examiner rejected claims 2-5 under 35 U.S.C. §103 as being obvious over Mantooth alone. The Mantooth patent issued on January 7, 2003, after the November 6, 2001 filing date of the present invention. Further, the Mantooth was filed on January 9, 2001, approximately ten months prior to the filing of the present invention. As set forth in the attached declaration of Applicant, Sven Sjostam, Mr. Sjostam conceived of the present invention in late 1999 or early 2000 and had a model of the invention built by mid-2000 (Sjostam Dec. ¶5). A full scale prototype was then built by early summer 2000. (Sjostam Dec. ¶6). Hence, Applicant conceived of his invention and reduced it to practice prior to the January 9, 2001 filing date of the Mantooth patent. Mr. Sjostam's declaration is corroborated by the declaration of Thorulf Löfstedt, a consulting designer who helped Mr. Sjostam first build a model of the invention

and a prototype of the invention (shown in Exhibit D of both declarations). The invention was conceived of and reduced to practice in Sweden, a WTO member country.

The various formations of the playground equipment as seen in the models of Exhibit B to Applicant's declaration are substantially similar to the formations of the playground equipment shown in the drawings of the present invention. Further variations of the playground equipment are shown in the sketches of Exhibits A and C to Applicant's declaration. In view of the fact that playground equipment can be assembled in many different ways to incorporate different play equipment (i.e., slides, swings, bars, etc.) some of the sketches are different from the play equipment shown in the drawings of the present application. The connector of FIG. 9, which is incorporated into the claims of the present invention, can be seen in the photographs of Exhibit D of both declarations. In particular, the connector can be seen in the bottom pictures of pages 1 and 2 of Exhibit D.

Inasmuch as Applicant conceived of and reduced the invention to practice prior to the filing date of Mantooth, as set forth in the declarations of both Applicant and Mr. Löfstedt, Applicant respectfully submits that Mantooth is not prior art under 35 U.S.C. §102 with respect to the present invention. The Examiner is thus requested to withdraw Mantooth as a reference from the application. The Mantooth reference was not previously of record in this application. Hence, the declarations of Applicant and Mr. Löfstedt could not have been previously submitted. Further, inasmuch as Mantooth is the only reference over which the Examiner has rejected the Claims, Applicant respectfully points out that the

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claims are now in condition for allowance. Issuance of a Notice of Allowability with respect to these claims is thus respectfully requested.

Respectfully Submitted,

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